

Proposed I-95/395 HOT Lanes Project
Findings of the Advisory Panel
November 1, 2005

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1. There is a public need for timely development and/or operation of the proposed project.
 - a) The proposed project addresses needs identified by the state and appropriate regional transportation plans by reducing congestion, increasing capacity travel choices, and improving safety, and
 - b) Such public needs may not be wholly satisfied by existing plans and procurement methods
2. The proposed project serves the public safety and welfare by delivering such transportation facilities to the public in a timelier or more efficient fashion.
3. The proposed project includes investment in the Commonwealth by private entities that facilitate the development and/or operation of transportation facilities.
4. The proposed project satisfies the policy goals of the Public Private Transportation Act of 1995, as amended (the "Act"), and warrants further development.
 - a) The proposed project is complex, offers risk sharing including guaranteed cost or completion guarantees, and debt or equity investments proposed by the private entity; and a dedicated revenue source that would not otherwise be available.
 - b) The project warrants advancement in accordance with the procedures for Competitive Negotiation as further described in § 56-573.1.2 of the Act, and the 2001 Implementation Guidelines.
5. The proposal satisfies the implementation guidelines criteria for qualifications and experience. This includes evaluations of the project team's experience, its ability to perform, its leadership structure, project manager and management approach as well as its financial condition.
6. The proposal has provided consideration for small, female-owned and minority contractors and subcontractors.
7. The proposal meets the implementation guidelines criteria for technical project characteristics. This includes evaluations of the project definition, schedule, operation and proposed technology; conformity with applicable state and federal laws, regulations and standards, including environmental standards, and state and local permitting requirements; right-of-way acquisition requirements; and long term maintenance requirements. Any improvements to this corridor must be part of the federally-approved NEPA document and a regional air quality conformity analysis.

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8. The proposal adequately addresses the implementation guidelines criteria for project financing, including financing, financial plan, cost estimation, life cycle costs, and business objectives, at this stage of development. Additional traffic and revenue analysis will be needed to proceed to a comprehensive agreement. However, the Advisory Panel is concerned about two major risk factors:
 - a) The project scope, and its attendant cost, will likely be adjusted in order to address safety and congestion issues after further evaluation during the NEPA process, detailed traffic and revenue analysis, and engineering design.
 - b) A sketch level assessment performed by the staff of the Metropolitan Washington Council of Governments found:
 - i. Tolls may have to be higher than proposed on certain segments to maintain consistent levels of service.
 - ii. Increased transit (bus service on HOT lanes and commuter rail) should be studied as an integral part of the I-95/395 project.
 - iii. Projected congestion south of the Beltway limits capacity for toll-paying vehicles.
 - iv. HOT lanes add to northbound congestion on the 14th Street Bridge center span (2 lanes).
9. The proposal meets the implementation guidelines criteria for public support. Written letters of qualified support have been received from all the affected local governments with the exception of the City of Fredericksburg which expressed no preference. The finding incorporates evaluations of the community benefits, community support, and public involvement.
10. The proposal meets the implementation guidelines criteria for project compatibility. This finding incorporates evaluations of the compatibility of the proposal with existing systems, applicable policies and goals, system-wide enhancement, local, state, and regional plans, and economic development.
11. In sum, the proposal is found to be consistent with Section 56-573.1 of the Code of Virginia. This section of the Code requires that a proposal is "likely to be advantageous to the responsible public entity and the public, based on (i) the probable scope, complexity or urgency of a project; or (ii) risk sharing including guaranteed cost or completion guarantees, added value, or debt or equity investment proposed by the private entity; or (iii) an increase in funding, dedicated revenue source or other economic benefit